

**MINUTES OF THE MEETING OF THE  
BOARD OF PSYCHOLOGY**  
March 31, 2017

These minutes were  
approved by the Board  
on May 19, 2017

**1. ROLL CALL and CALL MEETING TO ORDER**

The meeting of the Board of Psychology was called to order by the Chair, Dr. Weilage, at 10:10 a.m. in the Conference Room at Staybridge Suites, 2701 Fletcher Avenue, Lincoln, Nebraska. Copies of the agenda were mailed to the Board members and other interested parties in accordance with the Open Meetings Law. The following members answered the roll call:

<b>MEMBERS PRESENT</b>	<b>BOARD REPRESENTATION</b>
Karen Billingsley Jennifer Dreibelbis Mary Fran Flood, PhD Jerry Van Winkle, PsyD Stacy Waldron, PhD Mark Weilage, PhD	Member Member Member Secretary Member Chair
<b>MEMBERS ABSENT</b>	
Stephanie Bruhn, PhD	Vice-Chair (arrived 10:47a.m.)
<b>OTHERS PRESENT</b>	<b>AGENCY REPRESENTATION</b>
Kris Chiles Mindy Lester Larry Wiehn	Program Manager, Licensure Unit Attorney General's Office Investigation's Unit

A quorum was present and the meeting convened.

**2. ADOPTION OF AGENDA**

**MOTION:** Waldron moved, seconded by Billingsley, to adopt the agenda. A roll call vote was taken. Voting aye: Billingsley, Dreibelbis, Flood, Van Winkle, Waldron, Weilage (6). Voting nay: None (0). Absent: Bruhn (1). Motion carried.

**3. APPROVAL OF MINUTES (1-27-17)**

**MOTION:** Dreibelbis moved, seconded by Van Winkle, to approve the minutes of 1-27-17 with a correction to page 2 of the minutes, the date listed is 2027 and should be 2017. A roll call vote was taken. Voting aye: Billingsley, Dreibelbis, Flood, Van Winkle, Waldron, Weilage (6). Voting nay: None (0). Absent: Bruhn (1). Motion carried.

**4. INVESTIGATIVE REPORTS AND OTHER CONFIDENTIAL INFORMATION – CLOSED SESSION**

**MOTION:** Flood moved, seconded by Waldron, to enter into closed session at 10:16 a.m. Flood announced that the purpose was to hear discussions of an investigative/confidential nature and for the prevention of needless injury to the reputation of the individuals. A roll call vote was taken. Voting aye: Billingsley, Dreibelbis, Flood, Van Winkle, Waldron, Weilage (6). Voting nay: None (0). Absent: Bruhn (1). Motion carried.

10:37 a.m. - Wiehn departed meeting  
10:47 a.m. - Bruhn entered meeting

**MOTION:** Waldron moved, seconded by Bruhn, to enter into open session at 10:56 a.m. A roll call vote was taken. Voting aye: Billingsley, Bruhn, Dreibelbis, Flood, Van Winkle, Waldron, Weilage (7). Voting nay: None (0). Absent: (0) Motion carried.

11:56 a.m. - Break  
11:08 a.m. - Meeting resumed  
11:08 a.m. - Teresa Hampton, Becky Wisell and approximately 13 public individuals entered the meeting

## **5. REVIEW AND RECOMMENDATIONS – OPEN SESSION**

### **a. Applications, Education and Reinstatements**

#### **Andrew Huls – Provisional Psychology**

**MOTION:** Flood moved, seconded by Waldron, to defer their recommendation and requested complete information. Several pages were missing from one of the documents submitted. A roll call vote was taken. Voting aye: Billingsley, Bruhn, Dreibelbis, Flood, Van Winkle, Waldron, Weilage (7). Voting nay: None (0). Absent: (0) Motion carried.

Weilage reported he also reviewed an internship, with Canadian accreditation, and believed it was equivalent to APA standards.

## **6. REVIEW RULES AND REGULATIONS, DISCUSSION AND NEXT STEPS**

Weilage stated that given the recent decision to terminate the regulation process, the Board would be starting the process from the beginning steps. He indicated that perhaps the best avenue to start the process would be to go through the regulations page by page in order to review all changes proposed since the 1992 and 2004 versions, keeping in mind that there were several issues identified by fellow psychologists, such as Adopting the CURRENT APA standards and moving forward with the 2009 draft that was subsequently approved by the Board of Health in 2010. He continued by stating that he would like to limit the review/discussion time to 1-1.5 hours.

Discussion ensued regarding using the term 'current' in the regulations. Waldron responded that there is similar language in the DD regulations which means that we follow the standards adopted at the time of approval of the regulations. Hampton agreed and stated that otherwise the Board would be adopting future language that they had not seen and may not agree with.

Flood indicated that she wants to include sexual orientation and gender identity in the unprofessional conduct section of the regulations.

Weilage stated that it appeared the areas of focus are:

1. ASPPB proposed code of conduct vs APA code of conduct
2. DSM terminology
3. Discrimination
4. Academic Psychologist
5. Continuing Education
6. Examination
7. Confidentiality
8. Supervision definition

Chiles stated this is an opportunity to include language from legislation that has passed, such as LB 947 relating to lawful presence, whether to continue to require 24 hours of continuing education or change the number of hours, identify or revise the listing of approved CE providers, and to review several other sections of the regulations that the language or situations may have changed during the past 8 years. DHHS also has incorporated a new format for drafting regulations, which does not repeat language that is already in statute.

Board members reviewed and discussed pages 1-3 (stopping at section 002.015). Follow-up research was requested for sections: 002.06, 002.010 (Hampton assigned) and 02.013 (Flood assigned).

12:25 p.m. - Break  
12:35 p.m. - Meeting resumed

William Spaulding, Co-Chair with Nebraska Psychological Association addressed the Board. He stated that he had received information from Courtney Phillips that does not relate to synchronization. He stated that the reason the regulations were held up is because the discrimination section includes sexual orientation and he stated that he took this to mean that no action will be taken unless it is removed from the language. He suggested the Board not participate in further review of the regulations, as they are not updating the section relating to discrimination, it has been there since 1992.

Flood stated that the regulations were terminated so how could they move the current set forward? Spaulding encouraged the Board, by a vote, that they should insist that the regulations be put in place immediately; he stated that the board is in control of the ethic integrity of practitioners.

Question: Is there a statute that authorizes the termination of regulations?

Hampton indicated that the Administrative Procedure Act sets out the regulation process, Chapter 84 of the Revised Statutes, Article 9.

Spaulding indicated that NPA was informed that the regulation termination was due to failure to work with stakeholders. He believed that the implication from past history is that was meant to be the Nebraska Catholic Conference.

Dr. Wall, previous member of the Board, stated that there were several meetings with stakeholders during the drafting of the regulations, and she felt that the language contained in the 2009 draft took into considerations those conversations.

Dr. Carver, previous member of the Board, stated the Board was not provided with a reason for the termination. He also indicated that the Board had previously asked leadership to attend their meeting to discuss regulations, but no one attended. Nebraska is the only state where regulations are on hold.

Other public comments included:

- 1992 code of ethics is what is being updated now
- Sexual orientation left out in new draft and there is no relevant statute reference
- Why not cut to the chase rather than do all the work and end up with the same impasse
- May have some areas that need updated
- Tennessee passed legislation relating to a conscience clause with appropriate referral
- Suggest initiating a survey to determine how other states address discrimination in their regulations
- There have been no challenges at the regulatory level relating to discrimination
- Antidiscrimination truncated in current draft

The Board agreed to initiate a survey to be sent to adjacent states and a few others, which asks whether the regulation of that state includes the adoption of APA or ASPPB code of conduct and/or a state specific section on unprofessional conduct, and if state specific, does it contain a discrimination section.

**MOTION:** Billingsley moved, seconded by Waldron, to send a letter to Courtney Phillips asking for the rationale for the termination of the psychology regulations and to address any specific concerns relevant to the current reconsideration of the regulations, including adherence to American Psychological Association's unfair discrimination position. Voting aye: Billingsley, Bruhn, Flood, Van Winkle, Waldron, Weilage (7). Voting nay: None (0). Abstain: Dreibelbis (1). Absent: (0) Motion carried.

1:10 p.m. - Break, public members, except 2 departed  
1:20 p.m. - Meeting resumed

Jeff Kanger, Attorney with Nebraska Catholic Conference addressed the Board. He indicated that he has been involved in the past and recognizes there is now new leadership. He indicated that they share a

common interest of public good. He hopes to gather additional facts and appreciates the ability to work through this process.

Several questions and comments were voiced:

1. What is an appropriate referral, should this be defined
2. Need to uphold the dignity of the patient.
3. Appropriate referral should be to a person, perhaps this needs to be considered to be included in the regulations. Concerns raised in the past that referring to a person could be viewed as condoning, if against his/her religious beliefs
4. Protection of the public rather than the psychologist.
5. Currently there are 3 sets of regulations, 172 NAC 155 (people licensing) 156 (unprofessional conduct) and 157 (adoption of the APA code of conduct). Perhaps these should remain separated rather than incorporated into one chapter.

Karen Bowling, with Nebraska Family Alliance, which represents psychologists, indicated that the organization had worked on legislation to correct some concerns, specifically:

1. Unfair disciplinary action
2. How does it relate to discipline
3. Referral, what does it look like

1:37 p.m. - Bowling and Kanger left the meeting

## **7. NEW BUSINESS**

### **a. Correspondence**

- **Association of State and Provincial Psychology Boards**

There was no new information to report.

- **American Psychological Association**

There was no new information to report.

- **Nebraska Psychology Association**

There was no new information to report.

### **b. Discuss Continued Administration of the Oral examination**

Chiles provided the history relating to the oral examination. She stated that when Nebraska first considered joining the ASPPB reciprocity agreement, an oral examination was part of the requirements to be a reciprocity member state. The Chair of the Board checked with ASPPB as to the conditions of administration of an oral examination and learned that there were no parameters other than it had to be an oral examination. To develop an oral examination and assure defensibility of the test, it was determined that the cost would be extensive, so the board enlisted members of the board and professors from the psychology program to develop a multiple choice, open book, jurisprudence examination relating to psychology laws. The Board could then orally ask the applicant questions from this test.

In recent years, the requirement of an oral examination in order to be part of the ASPPB reciprocity agreement has been eliminated, however, the Board continues to require the applicant to meet with the board and respond orally to 5 of the 100 questions.

**MOTION:** Billingsley moved, seconded by Waldron, to discontinue requiring the oral examination as a requirement for licensure. A roll call vote was taken. Voting aye: Billingsley, Bruhn, Dreibelbis, Flood, Van Winkle, Waldron, Weilage (7). Voting nay: None (0). Absent: (0) Motion carried.

The 100 question jurisprudence examination will be offered through Survey Monkey and will include a statement to be checked off by the applicant, that s/he independently completed the examination.

## **8. UPDATES/REPORTS**

- **2017 Legislative Bills Introduced**

Chiles provided the following information:

LB 36 – State agencies must review regulations regarding occupational credentialing every 5 years. (hearing date 1/20/2017)

LB 88 – The Department with Board recommendation will issue a temporary credential to military spouses who provide required documents. (hearing date 2/15/2017; general file 3/1 and E&R 3/28)

LB 107 – Relates to the criminal statutes and prohibits sexual abuse of a patient 16 to 19 years of age by health professionals. (hearing date 2/8/2017)

LB 173 – Relates to the Nebraska Fair Employment Practice Act and prohibits discrimination based on sexual identity. The Board discussed this could impact the psychology regulations if it passed. (hearing date 2/22/2017; general file 3/1/2017)

LB 299 – Creates a board that will have oversight on regulations of occupational professions. Hampton commented that it would add an extra layer of regulation review. She also stated there was a provision that would allow an individual who has convictions to go before the licensing board prior to applying for a license and ask if their conviction would prohibit them from getting a license. (hearing date 2/24/2017)

LB 344 - Includes a new option to obtain a LADC license by reciprocity; would require registration of a provisional mental health supervisor within 30 days of obtaining employment rather than at the time of application for the PLMHP; revises the requirements to obtain a mental health practice license by reciprocity; and proposes to combine substance abuse and mental health centers into one license and eliminate outpatient substance abuse center licensing. (hearing date 3/1/2017)

- **Justice Behavioral Health Committee**

No new information available.

- **Licensure and Examination Statistics / Administrative Penalties**

Chiles reported the following examination statistics since 1/1/2017:

EPPP – 4 passed, 3 failed

Oral/Written Jurisprudence – 8 passed

Given the changes in the meeting date from 3/17 to 3/31, Chiles administered the Oral/Written Jurisprudence examination to 4 applicants (all 4 passed).

Blazek, Nicole  
Sanders, Christopher  
Steer, Kate  
Vavak, Christine

Chiles reported the following statistics:

30 day temporary practice	7
Provisional Psychologist	46
Psychological Assistant	100
Psychologist	508
Psychologist Associate	1
Special Psychologist	6
Temporary Psychologist	6

- **Disciplinary and Non-Disciplinary Action Reports**

There were no actions taken since 1/1/2017.

#### **9. ASPPB REPRESENTATIVE**

Weilage agreed to serve as the ASPPB representative.

#### **9. ADJOURNMENT**

There being no further business, Weilage declared the meeting of the Board of Psychology adjourned at 2:10 p.m.

Respectfully submitted,

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Jerry Van Winkle, PsyD, Secretary  
Board of Psychology

**Next Meeting:  
May 19, 2017**

Summarized by: Kris Chiles, Program Manager – Licensure Unit